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Dated: May 9, 2006

Signature:

Lisa Adams
(Lisa Adams)

Docket No.: 101896-0239
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Jonathan Fanger et al.

Application No.: 10/776,414

Filed: February 11, 2004

For: **GUIDE FOR SPINAL TOOLS, IMPLANTS,
AND DEVICES**

Confirmation No.: 2408

Art Unit: 3738

Examiner: Robert W. Amareld, Jr.

PETITION TO ADD AN INVENTOR PURSUANT TO 37 C.F.R. § 1.48(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DePuy Spine, Inc., as owner of record of all title, right, and interest in the above-identified application, hereby petitions the Commissioner to amend the above-identified application by adding the name of inventor Glen Arthur Presbrey, a citizen of the United States, whose residence is 574 Victory Highway, Pascoag, RI 02859.

This petition is submitted in accordance with 37 C.F.R. §1.48(a)(1) to convert the above identified application of **Jonathan Fanger and Eric D. Kolb** to an application of **Jonathan Fanger, Eric D. Kolb, and Glen Arthur Presbrey**. Applicants submit that the three individuals are actual inventors of the invention described and claimed in the application.

Accompanying this petition is a statement by the omitted inventor, Glen Arthur Presbrey, stating the omission was made through error without any deceptive intention, and an executed Declaration and Power of Attorney by the actual inventors, Jonathan Fanger, Eric D. Kolb and Glen Arthur Presbrey, as required under 37 C.F.R. §1.48(a)(2) and 3).

A check in the amount of \$130.00 for the fee set forth in 37 C.F.R. §1.17(i) is submitted herewith, as required under 37 C.F.R. §1.48(a)(4).

05/15/2006 JBALINAN 00000013 10776414

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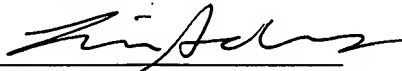
130.00 DP

Also submitted herewith is the written consent of the assignee of record to the requested inventorship correction, as required under 37 C.F.R. §1.48(a)(5).

Applicant submits that the foregoing documents meet the requirements of 37 C.F.R. §1.48(a). Accordingly, the correction of inventorship from Jonathan Fanger and Eric D. Kolb to an application of Jonathan Fanger, Eric D. Kolb, and Glen Arthur Presbrey as the actual inventors is respectfully requested.

Dated: May 9, 2006

Respectfully submitted,

By 

Lisa Adams

Registration No.: 44,238

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2000

(617) 310-9000 (Fax)

Attorney for Applicant

1525974.1

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Signature: *Lisa Adams*

(Lisa Adams)

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For: GUIDE FOR SPINAL TOOLS, IMPLANTS,
AND DEVICES

Confirmation No.: 2408

Art Unit: 3738

Examiner: Robert W. Amareld, Jr.

STATEMENT OF GLEN ARTHUR PRESBREY 37 C.F.R. §1.48(a)(1)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Glen Arthur Presbrey, understand that I was not originally named as an inventor of the above-referenced application, and that I am now being added as an inventor. This error in omitting me as an inventor occurred without any deceptive intent on my part.

Dated: 5-4-06

Glen Arthur Presbrey

Glen Arthur Presbrey

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

GUIDE FOR SPINAL TOOLS, IMPLANTS, AND DEVICES

the specification of which:

☒ was filed on: February 11, 2004

as Application No.: 10/776,414

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at Nutter, McClennen & Fish, LLP, World Trade Center West, 155 Seaport Boulevard, Boston, Massachusetts 02210-2604, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing	Status (Patented/Pending/Abandoned)
10/664,575	September 17, 2003	Pending
10/409,958	April 9, 2003	Pending
10/609,123	June 27, 2003	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

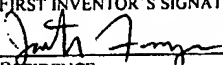
I hereby appoint all practitioners at **Customer Number 021125**, all of Nutter, McClennen & Fish, LLP, World Trade Center West, 155 Seaport Boulevard, Boston, Massachusetts 02210-2604, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

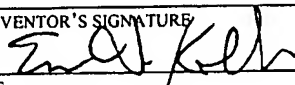
Please mail all correspondence to Lisa Adams at **Customer Number 021125**, whose address is:

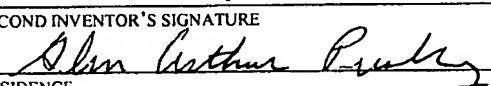
Nutter, McClennen & Fish, LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604

Please direct telephone calls to: Lisa Adams at (617) 439-2550

Please direct facsimiles to: Lisa Adams at (617) 310-9550

FULL NAME OF FIRST INVENTOR: Jonathan Fanger	
FIRST INVENTOR'S SIGNATURE 	DATE 5/4/06
RESIDENCE Fall River, Massachusetts	
CITIZENSHIP US	
MAILING ADDRESS 3H Rolling Green Fall River, Massachusetts 02720	

FULL NAME OF SECOND INVENTOR: Eric D. Kolb	
SECOND INVENTOR'S SIGNATURE 	DATE 5/3/06
RESIDENCE Quincy, Massachusetts	
CITIZENSHIP US	
MAILING ADDRESS 308 Quarry Street Quincy, Massachusetts 02169	

FULL NAME OF THIRD INVENTOR: Glen Arthur Presbrey	
SECOND INVENTOR'S SIGNATURE 	DATE 5-4-06
RESIDENCE Rhode Island	
CITIZENSHIP US	
MAILING ADDRESS 574 Victory Highway Pascoag, RI 02859	

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Dated: May 9 2006 Signature: [Signature]
(Lisa Adams)

Docket No.: 101896-0239
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Jonathan Fanger et al.

Application No.: 10/776,414

Filed: February 11, 2004

For: GUIDE FOR SPINAL TOOLS, IMPLANTS,
 AND DEVICES

Confirmation No.: 2408

Art Unit: 3738

Examiner: Robert W. Amareld, Jr.

ASSIGNEE CONSENT TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DePuy Spine, Inc., as owner of record of all title, right, and interest in the above-identified application, hereby consents to the addition of Glen Arthur Presbrey as an inventor in the above-referenced patent application. DePuy Spine, Inc. is the owner of record of all title, right, and interest in the above-referenced patent application by virtue of an assignment from inventors Jonathan Fanger and Eric D. Kolb to DePuy Spine, Inc., which was recorded in the U.S. Patent and Trademark Office on May 7, 2004, at Reel 015300, Frame 0989.

The undersigned is fully authorized to execute this document on behalf of DePuy Spine, Inc.

5/5/06
Date

[Signature]
David A. Lane
Assistant Secretary



Supplemental Application Data Sheet

Application Information

Application number::	10/776,414
Filing Date::	02/11/04
Application Type::	Regular
Subject Matter::	Utility
Suggested Group Art Unit::	3738
CD-ROM or CD-R?::	None
Sequence submission?::	None
Computer Readable Form (CRF)?::	No
Title::	GUIDE FOR SPINAL TOOLS, IMPLANTS, AND DEVICES
Attorney Docket Number::	101896-0239
Request for Early Publication?::	No
Request for Non-Publication?::	No
Total Drawing Sheets::	11
Small Entity?::	No
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	US
Status::	Full Capacity
Given Name::	Jonathan
Family Name::	Fanger
City of Residence::	Fall River
State or Province of Residence::	MA
Country of Residence::	US
Street of mailing address::	3H Rolling Green Drive
City of mailing address::	Fall River

State or Province of mailing address:: MA
Postal or Zip Code of mailing address:: 02720

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Eric
Middle Name:: D.
Family Name:: Kolb
City of Residence:: Milton
State or Province of Residence:: MA
Country of Residence:: US
Street of mailing address:: 570 Pleasant Street
City of mailing address:: Milton
State or Province of mailing address:: MA
Postal or Zip Code of mailing address:: 02186

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Glen
Middle Name:: Arthur
Family Name:: Presbrey
City of Residence:: Pascoag
State or Province of Residence:: RI
Country of Residence:: US
Street of mailing address:: 574 Victory Highway
City of mailing address:: Pascoag
State or Province of mailing address:: RI
Postal or Zip Code of mailing address:: 02859

Correspondence Information

Correspondence Customer Number:: 021125

Representative Information

Representative Customer Number:: 021125

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	Continuation-in-part of	10/664,575	09/17/03
10/664,575	Continuation-in-part of	10/409,958	04/09/03
10/664,575	Continuation-in-part of	10/609,123	06/27/03

Foreign Priority Information

Assignee Information

Assignee name:: DePuy Spine, Inc.
Street of mailing address:: 325 Paramount Drive
City of mailing address:: Raynham
State or Province of mailing address:: MA
Postal or Zip Code of mailing address:: 02767

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Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (12-04v2)
Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL For FY 2005		Application Number	10/776,414-Conf. #2408
		Filing Date	February 11, 2004
		First Named Inventor	Jonathan Fanger
		Examiner Name	R. W. Amareld
		Art Unit	3738
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	101896-0239
TOTAL AMOUNT OF PAYMENT	(\$) 130.00		

METHOD OF PAYMENT (check all that apply)	
<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____
<input type="checkbox"/> Deposit Account	Deposit Account Number: <u>141449</u> Deposit Account Name: <u>Nutter McClennen & Fish LLP</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		Small Entity		Small Entity		Small Entity	
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
2. EXCESS CLAIM FEES							
						Small Entity	
						Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
Total Claims		Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims		
73		- 73 =	x	=	Fee (\$) Fee Paid (\$)		
Indep. Claims		Extra Claims	Fee (\$)	Fee Paid (\$)			
7		- 7 =	x	=			
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)			
	- 100 =	/50	(round up to a whole number) x	=			
4. OTHER FEE(S)							
Petition to Add Inventor, \$130 fee						Fees Paid (\$)	
						130.00	
Other (e.g., late filing surcharge):							

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	44,238
Name (Print/Type)	Lisa Adams	Telephone	(617) 439-2000
		Date	May 9, 2006

Fee Transmittal	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Dated: <u>May 9, 2006</u>	Signature: (Lisa Adams)